

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOSE URIBE, Defendant.	4:22-CR-40086-KES ORDER ADOPTING REPORT & RECOMMENDATION AND SENTENCING SCHEDULING ORDER
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On September 11, 2023, defendant, Jose Uribe appeared before Magistrate Judge Veronica Duffy for a change of plea hearing. Magistrate Judge Duffy issued a report recommending the court accept defendant's plea of guilty to Counts 1 and 2 of the Amended Superseding Information.¹ Count 1 of the Amended Superseding Information charges Uribe with Conspiracy to Commit Carjacking, in violation of 18 U.S.C. §§ 371 and 2119, and Count 2 of the Amended Superseding Information charges Uribe with Use and Brandishing of a Firearm During the Commission of a Crime of Violence, in violation of 18

¹ The plea agreement initially states Uribe is pleading guilty to Counts 1 and 2 of his Superseding Information. Docket 35 ¶ C. The Government filed an Amended Superseding Information. Docket 40. At the change of plea hearing, Magistrate Judge Duffy clarified that Uribe will be pleading guilty to Counts 1 and 2 in the Amended Superseding Information. The difference between the Superseding Information and the Amended Superseding Information rests in Count 2. Count 2 of the Amended Superseding Information removes the reference to "conspiracy" and instead clarifies that it charges that Uribe brandished a firearm during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, namely, Carjacking.

U.S.C. §§ 924(c)(1)(A)(ii). The parties waived any objection to the report and recommendation. The parties agreed that, upon imposition of the sentence, the Government would dismiss the remaining count in the Indictment as it pertains to the defendant. Docket 35 ¶ C. Upon review of the record in this case, it is

ORDERED that the report and recommendation (Docket 45) is adopted. The defendant is adjudged guilty of Conspiracy to Commit Carjacking, in violation of 18 U.S.C. §§ 371 and 2119, and Use and Brandishing of a Firearm During the Commission of a Crime of Violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii).

It is FURTHER ORDERED that the sentencing hearing in this matter will be held on November 27, 2023 at 11:00 a.m. in Sioux Falls Courtroom 2.

Dated September 11, 2023.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE